

Cam Hillyer

From: Cam Hillyer
Sent: Friday, April 7, 2023 11:28 AM
To: 'Rukavina, Davor'; 'Funk, Brenda'; Adam Langley
Cc: Sixkiller, Laura; 'Schottenstein, Noah'; Sullivan, Ryan
Subject: Prosperity Bank 9019 Settlement Motion - [confidential settlement communication subject to FRE 408 and FRBP 9017]
Attachments: Draft Objection to Prosperity Bank 9019 Settlement 040723.pdf

Davor: We have concluded our analysis on the issues we discussed concerning the bondholders lien and perfection on the Subject Funds in the Prosperity 9019 motion. We have also spoken with Arris counsel who are cc'ed on email. Arris conducted their own analysis and reached the same conclusion. Attached is a draft objection that we plan to file to the Prosperity 9019 motion for your review (subject to FRE 408 and FRBP 9017). Although we feel we are correct in our analysis, we would rather not have this dispute brought before the Court. We would ask the Trustee to withdraw the Prosperity 9019 motion at this time without need for filing the objection.

One other issue not in the draft objection is that we do not feel that a blanket release of any and all claims against Prosperity is reasonable and that any release should a settlement be accomplished later should be exclusive to the Subject Funds and Prosperity Payments (as defined in your motion).

Happy to discuss further as needed.
-Cam

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